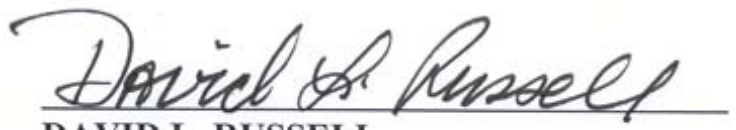


On April 9, 2015, Mr. Ortiz filed a Motion Under 28 U.S.C. § 2255 (Doc. No. 863), which is blank except for the last page, where Defendant states "I would ask the Court to see if I can proceed in forma pauperis." The Court received that same date a letter from Defendant requesting *in forma pauperis* status and stating that he has no means for hiring an attorney or money to pay for transcripts. He did not, however, indicate why he needs either counsel or transcripts. Mr. Ortiz also has pending at this time a request for sentence reduction pursuant to 18 U.S.C. § 3582 as a result of Amendment 782 of the United States Sentencing Guidelines, and counsel has been appointed on his behalf. The Court is unable to discern from the documents filed on April 9, 2015 whether Defendant seeks to file a § 2255 motion or whether he is seeking counsel to assist him in filing such a motion. Mr. Ortiz does not need any permission to proceed on any § 2255 motion without paying fees, because the Court does not assess fees for the filing of § 2255 motions. Accordingly, the Court hereby denies Defendant's motion for leave to proceed *in forma pauperis*. If Defendant seeks counsel or

transcripts at no cost for purposes of filing a § 2255 motion, he may file an appropriate motion and should make clear in the motion what he is requesting and why. In light of the absence of substantive claims in the § 2255 motion, the Court will not construe the motion as a motion for substantive relief, which could bar Defendant from seeking future relief. Rather, it will be construed as a motion for leave to proceed *in forma pauperis* and it is hereby DENIED.

IT IS SO ORDERED this 29th day of April, 2015.

  
DAVID L. RUSSELL  
UNITED STATES DISTRICT JUDGE